

AUG 17 2005

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of	)	Examiner: Joseph M. Pelham
Burbank et al.	)	Group Art Unit: 3742
For: TISSUE SITE MARKERS FOR IN	)	
VIVO IMAGING	)	
Serial No.: 10/658,911	)	
Filed: September 10, 2003	)	
Atty. Docket No.: R0367-01601	)	

## CERTIFICATE OF MAILING PURSUANT TO 37 C.F.R. §1.8

I hereby certify that these papers are being sent by facsimile to (571) 273-8300, Attn: Examiner Joseph M. Pelham, at Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 8-17-05 in San Francisco, CA.

By: Edward J. Lynch

## TERMINAL DISCLAIMER BY ATTORNEY

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

I, Edward J. Lynch, am an attorney representing the Assignee, SenoRx, Inc. The assignee is the registered owner of all right, title and interest in and to the above-identified application. The assignment is recorded in Reel No. 011845, Frame 0074.

The terminal portion of any patent which is granted on the above-identified application which would extend beyond the expiration date of the full statutory term of U.S. Patent No. 6,347,241 is hereby disclaimed on behalf of the Assignee, SenoRx, Inc.

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Serial No.: 10/658,911  
Atty. Docket No. R0367-01601

It is hereby agreed that any patent granted on the above-identified application shall be enforceable only for and during such period that the legal title to any patent granted on the above-identified application shall be the same as the legal title to U.S. Patent No. 6,347,241. This agreement shall run with any patent granted on the above-identified application and shall be binding upon the grantor, its successors or assigns.

No disclaimer is hereby made on any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of U.S. Patent No. 6,347,241 in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321 (a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

Dated:

Aug 17, 2005

Edward J. Lynch

Edward J. Lynch  
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Attorney for Applicants